IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 12275 of 2005
WITH
SPECIAL CIVIL APPLNS. NOS. 12306, 12307, 12314, 12317 & 12319 of 2005

For Approval and Signature:

THE HON'BLE MR.JUSTICE KSHITIJ R.VYAS
THE HON'BLE MR.JUSTICE AKSHAY H.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 of any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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BENABEN BALUBHAI - Petitioner(s)

Versus

SPL.LAND ACQUISITION OFFICER & 2 - Respondent(s)

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Appearance :

MR AJ PATEL for Petitioner No(s).: 1.
MR HL JANI, AGP for Respondent No(s).: 1,2.

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CORAM :THE HON'BLE MR.JUSTICE KSHITIJ R.VYAS
THE HON'BLE MR.JUSTICE AKSHAY H.MEHTA

Date : 27/06/2005

ORAL COMMON JUDGMENT

(Per : THE HON'BLE MR.JUSTICE AKSHAY H.MEHTA)

Rule. Mr. HL Jani, AGP waives service of rule on behalf of respondents.

2. With the consent of the parties, the matters are taken up for final disposal today itself. Since all these matters are heard together, they are now being disposed of by this common judgment.

3. The petitioners grievance is that though they have made applications under section 28-A of the Land Acquisition Act [hereinafter referred to as 'the Act'] way back on 27th March, 2000 and all the requirements have been complied with, the Special Land Acquisition Officer i.e. respondent no. 1 has still not taken any decision on the said applications. It is stated by the petitioners that acquisition of their land was made on behalf of respondent no. 2. Initially they accepted the amount of compensation determined by respondent no. 1, but later on other land owners who were similarly situated and whose lands were acquired on behalf of respondent no. 2 by respondent no. 1, moved the District Court by filing appropriate Land Reference Cases wherein the amount came to be enhanced upto Rs.17/- per sq. mtr. by award dated 28th January, 2000. Hence they preferred aforesaid applications under Section 28-A of the Act within stipulated time. It is also averred that later on respondent no. 2 challenged the award made by the Reference Court before this Court and the appeals of respondent no. 2 were partly allowed and the

amount of compensation was reduced to Rs.13-50 paise per sq. mtr. by judgment of this Court dated 19th February, 2001. It is now stated by Mr. Jayesh Patel, learned advocate for the petitioners that even the Apex Court has confirmed this amount.

4. The contention of the petitioners is that when all the proceedings are now over, there is no need for respondent no. 1 to delay the decision on their applications awarding them the amount of compensation determined at Rs.13-50 paise per sq. mtr.

5. After hearing Mr. Jayesh Patel, learned advocate appearing for Mr. AJ Patel for the petitioners and Mr. HL Jani, Ld. AGP for respondents and having gone through the averments made in the petitions, it clearly appears that in view of the enhancement of the amount made in the original award passed by respondent no. 1, the petitioners have preferred applications under Section 28-A of the Act which are required to be decided by respondent no. 1 as early as possible. However, it seems that for no obvious reasons these applications have still remained undecided. In view of the same, we direct respondent no. 1 that if applications preferred by the present petitioners are not yet decided, he will take appropriate decision thereon at the earliest and in any case not later than 31st July, 2005.

In view of the aforesaid direction, these petitions are partly allowed. Rule made absolute to the aforesaid extent. D S permitted.

[Kshitij R Vyas, J.]

[Akshay H Mehta, J.]

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